

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SAMIRA RANDOLPH,	:	CIVIL ACTION NO. 1:18-CV-1850
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
HEATHER DOBSON,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 2nd day of January, 2019, upon consideration of the report (Doc. 5) of Magistrate Judge Joseph F. Saporito, Jr., recommending that the court dismiss the complaint (Doc. 1) of *pro se* plaintiff Samira Randolph (“Randolph”) as frivolous and malicious pursuant to 28 U.S.C. § 1915(e)(2)(B)(i), and it appearing that Randolph has not objected to the report, see FED. R. CIV. P. 72(b)(2), and has simply requested that, to the extent her complaint can be construed as asserting claims under state law, those claims be dismissed without prejudice to allow her to pursue them in state court, (see Doc. 8), and the court noting that failure of a party to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should “afford some level of review to dispositive legal issues raised by the report,” Henderson, 812 F.2d at 878; see also Taylor v. Comm’r of Soc. Sec., 83 F. Supp. 3d 625, 626 (M.D. Pa. 2015) (citing Univac Dental Co. v. Dentsply Int’l, Inc., 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010)), in order

to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes, and, following independent review of the record, the court in agreement with Judge Saporito’s recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 5) of Magistrate Judge Saporito is ADOPTED.
2. Randolph’s complaint (Doc. 1) is DISMISSED without prejudice.
3. The Clerk of Court is directed to CLOSE this case.
4. Any appeal from this order is deemed to be frivolous and not taken in good faith. See 28 U.S.C. § 1915(a)(3).

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania